

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/01/2023

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHOLE BIRCH,	:	
	:	
	:	
Plaintiff,	:	23-CV-10311 (VEC)
	:	
-against-	:	<u>ORDER</u>
	:	
	:	
SCOTT JEFFRIES and S&D TRUCKING, INC.,	:	
	:	
	:	
Defendants.	:	
-----X		

VALERIE CAPRONI, United States District Judge:

WHEREAS on September 12, 2023, Chole Birch (“Plaintiff”) filed this action in the Supreme Court of the State of New York, Bronx County, *see* Compl., Dkt. 1-1;

WHEREAS on November 24, 2023, Scott Jeffries and S & D Trucking, Inc. (“Defendants”) filed a notice of removal to this Court, *see* Notice, Dkt. 1;

WHEREAS a notice of removal must be filed within 30 days of Defendants’ receipt “through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which [this] action or proceeding is based,” 28 U.S.C. §1446(b);

WHEREAS Defendants assert that, “upon information and belief,” they received the Summons and Verified Complaint in this action “on or around November 3, 2023,” *see* Notice §§ 2-3; and

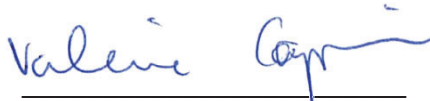
WHEREAS Defendants did not attach proof of service to their notice of removal;

IT IS HEREBY ORDERED that not later than **Wednesday, December 6, 2023**, Defendants must file proof of service of the Summons and Verified Complaint or other

evidence to verify the date on which the Defendants were actually served or show cause why this case should not be remanded because it was not timely removed.

SO ORDERED.

Date: December 1, 2023
New York, New York



VALERIE CAPRONI
United States District Judge